

BLD-183

March 29, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **06-4423**

DOUGLAS BURTON LEUSCHEN

vs.

COMMONWEALTH OF PA
(W.D. PA. CIV. NO. 05-cv-00157E)

Present: MCKEE, FUENTES and WEIS , CIRCUIT JUDGES

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);
- (2) Appellant's Motion to Compel Access to the Court;
- (3) Appellant's Motion for Stay of Proceedings; and
- (4) Appellant's document titled "Notice of Change in Status" supplementing the Motion to Compel Access to the Court

in the above-captioned case.

Respectfully,

Clerk

ORDER

The foregoing request for a certificate of appealability is **DENIED**. For the reasons explained by the District Court, Appellant's petition was not timely filed.

Reasonable jurists would not find it debatable whether the district court was correct in this procedural ruling. Slack v. McDaniel, 529 U.S. 473, 483-84 (2000). Appellant's "Motion to Compel[] Access to the Court" and "Motion for Stay of Proceedings" are

denied. The Clerk is directed to forward this Order to Appellant at his FCI-McKean address and his Strattanville address.

By the Court,

s/WEIS

United States Circuit Judge

Dated: April 18, 2007

CRG/cc: Mr. Douglas Burton Leuschen
Lisa R. Ferrick, Esq.



Marcia M. Waldron

Marcia M. Waldron, Clerk